

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kenneth Shelton	Team: Squad #2	CCRB Case #: 201902249	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/07/2019 11:57 PM	Location of Incident: West 4th Street subway station	Precinct: 06	18 Mo. SOL 9/7/2020	EO SOL 4/24/2021	
Date/Time CV Reported Thu, 03/14/2019 9:56 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 03/14/2019 9:56 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Colby	15382	961699	TB ATU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jared Leggio	14860	961882	TB ATU
2. SSA Roland Vilches	05157	905244	TB ATU

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Colby	Discourtesy: Police Officer Christophe Colby spoke discourteously to § 87(2)(b)	
B.POM Christophe Colby	Discourtesy: Police Officer Christophe Colby acted discourteously toward § 87(2)(b)	
C.POM Christophe Colby	Abuse: Police Officer Christophe Colby used physical force against § 87(2)(b)	

Case Summary

On March 14, 2019, § 87(2)(b) filed this complaint on the CCRB website.

On March 7, 2019, at approximately 11:57 p.m., Police Officer Jared Leggio and Police Officer Christopher Colby, both of Transit Bureau Anti-Terrorism, were patrolling inside of the West 4th Street subway station in Manhattan. Police Officer Leggio and Police Officer Colby noticed § 87(2)(b) and Police Officer Colby allegedly stated “What the fuck are you doing?” (**Allegation A and B: Discourtesy - Word**). Police Officer Colby allegedly pulled a medical device attached to § 87(2)(b)'s hand, causing the device to break, and threw the device into the train tracks (**Allegation E and F: Discourtesy – Action**) (**Allegation G and H: Abuse of Authority – Property Damaged**). Police Officer Colby handcuffed § 87(2)(b) and § 87(2)(b) then requested to go to the hospital. § 87(2)(b) was arrested for § 87(2)(b) (BR 09).

No relevant video footage of this incident was found by the investigation. MTA footage was obtained by it did not depict this incident (BR 10) (BR 11).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Christopher Colby spoke discourteously to

§ 87(2)(b)

On March 21, 2019, § 87(2)(b) was interviewed at the CCRB (BR 02). He provided a follow up telephone statement on April 8, 2019 (BR 08) On June 20, 2019, Police Officer Jared Leggio was interviewed at the CCRB (BR 03). On June 20, 2019, Police Officer Christophe Colby was interviewed at the CCRB (BR 04).

It is undisputed that § 87(2)(b) was located on the F-Train platform of the West 4th subway station in Manhattan. While on the subway platform, § 87(2)(b) pulled down his sweatpants down to his ankles. Police Officer Leggio and Police Officer Colby grabbed § 87(2)(b)'s arms, placed him in handcuffs, and escorted him to a nearby bench where they sat him down. Police Officer Leggio called for EMS and after some time, EMTs arrived and transported § 87(2)(b) to § 87(2)(b) with the officers' escort.

§ 87(2)(b) alleged that after pulling down his sweatpants, officers arrived behind him and Police Officer Colby stated, “What the fuck are you doing?” to which he replied that something ran inside his pants leg.

Both officers denied stating to § 87(2)(b) “What the fuck are you doing?” Both officers denied that any officer used any profanity when speaking to § 87(2)(b)

§ 87(2)(g)

Allegation (B) Discourtesy- Action: Police Officer Christopher Colby acted discourteously toward § 87(2)(b)

Allegation (C) Abuse of Authority – Property Damaged: Police Officer Christopher Colby damaged § 87(2)(b)'s property.

§ 87(2)(b) alleged that, prior to him being handcuffed; Police Officer Colby pulled part of a medical device attached to his hand, which he described as a “digit widget,” off of his hand causing the device to break and then threw the device onto the train tracks. § 87(2)(b) provided a photo of the device before the incident (BR 05) and after the incident (BR 06).

Police Officer Leggio, after being shown the photos provided by § 87(2)(b) recognized the medical device and stated that, at the time he interacted with § 87(2)(b) the “digit widget” already looked like the “after” photo provided to the CCRB by § 87(2)(b). Police Officer Leggio did not recognize the “before” photo provided by § 87(2)(b). Police Officer Leggio denied pulling the device off of § 87(2)(b)’s hand and throwing the device onto the train tracks. While transporting § 87(2)(b) to corrections, § 87(2)(b) stated to Police Officer Leggio that he was going to tell a lawyer that the officers’ caused his injury to his finger.

Police Officer Colby’s CCRB interview was generally consistent with Police Officer Leggio’s interview and he denied pulling a surgical device off of § 87(2)(b)’s hand causing the device to break and throwing the device onto the train tracks.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the third CCRB complaint to which § 87(2)(b) has been a party (BR 01).
 - § 87(2)(b)
- PO Christophe Colby has been a member of service for three years and has not been a subject in any prior CCRB complaints.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On November 14, 2019, Notice of claim search request to the NYC Comptroller’s office, the results of which will be added to the case file upon receipt.

Squad No.: 2

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date